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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,333	08/21/2001	David Goldberg	105864	6794

27074 7590 05/06/2003

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ALEXANDRIA, VA 22320

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,333

Applicant(s)

Goldberg et al

Examiner

Lun-yi Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reified device(or manipulatable device) communicates with the responsive device cited in claims 1-10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The specification fails to disclose how the reified device(or manipulatable device) communicates to or from the responsive device cited in claims 1-10.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fishkin et al(6,60,540).

As to claims 1-10, Fishkin et al teach a method for communicating with a responsive device(612) using a reified device or a physically manipulatable device(644) comprising placing the reified device or a physically manipulatable device(644) in communication relationship with responsive device(612) and physically manipulating the reified device or a physically manipulatable device(644) communicate responsive device(612)(see figures 1, 44-46; column 5,

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lines 35-59; column 7, lines 33-49; column 23, lines 45-68; column 24 and column 25 and lines 1-34).

At to claim 5, Fishkin et al teach communicating comprising(with an ID code to log on the specific program) logging onto the computer(612)(see figure 44; column 23, lines 45-68 and column 24, lines 1-33).

As to claims 7, Fishkin et al teaches the reified device is in the form of a national animal(Bear or dog)(see figures 1 and 44).

6. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al(5,855,483).

As to claims 1-10, Collins et al teach a method for communicating with a responsive device(8) using a reified device or a physically manipulatable device(40) comprising placing the reified device or a physically manipulatable device(40) in communication relationship with responsive device(8) and physically manipulating the reified device or a physically manipulatable device(40) having a transceiver antenna(42) to communicate information to or from the responsive device(8) having a transceiver antenna(24)(see figures 1-6, 22A-26; column 5, lines 32-68; column 6; column 7, lines 1-16; column 8, lines 25-68; column 9, lines 1-18; column 19, lines 44-68 and column 20, lines 1-6).

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As to claims 1 and 10, Collins et al teach a method for storing information about the use in a physically manipulatable device(40, 600 or 2400)(see figures 1, 6, 24; column 8, lines 25-68; column 9, lines 1-18; column 19, lines 44-68 and column 20, lines 1-6).

At to claim 5, Collins et al teach communicating comprising(with an ID code to log on the specific program) logging onto the computer(8)(see figure 5 and column 6, lines 50-68 and column 7, lines 1-16).

As to claims 7, Castillo et al teaches the reified device is in the form of a national animal(horse)(see figure 24).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Castillo et al(5,912,454) teach an interactive device(60) for communicating with a computer(10).

Galyean III et al(6,290,565) teach a physical toy for communicating with a computer(100).

Hongo(5,766,077) teach robot toys(5, 7) for communicating with a computer(9).

Kikins(5,746,602) teaches a doll(13) for communicating with a computer(15).

White et al(5,983,273) having a smart car for logging on a computer.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi, Lao whose telephone number is (703) 305-4873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

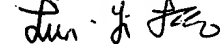
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

May 2, 2003



Lun-yi Lao

Primary Examiner